

AMENDED IN ASSEMBLY JUNE 24, 1998

AMENDED IN ASSEMBLY JUNE 22, 1998

AMENDED IN SENATE MAY 5, 1998

AMENDED IN SENATE APRIL 13, 1998

AMENDED IN SENATE MARCH 23, 1998

SENATE BILL

No. 2174

Introduced by Senator Rainey

February 20, 1998

An act to add Section 6257.5 to, and to add Chapter 3 (commencing with Section 15650) to Part 9 of Division 3 of Title 2 of, the Government Code, relating to the State Board of Equalization.

LEGISLATIVE COUNSEL'S DIGEST

SB 2174, as amended, Rainey. State Board of Equalization: records.

The California Public Records Act provides that except for exempt records, every state or local agency, upon request, shall make records available to any person upon payment of fees to cover costs.

Existing law generally prohibits members, employees, and agents of the State Board of Equalization from divulging or making known in any manner not provided by law specified information concerning the business affairs of companies reporting to the board.

This bill would provide certain criteria with regard to the release of records by all agencies under the act in light of the holding in *State Board of Equalization v. Superior Court*, 10 Cal. App. 4th 1177. The bill would also require the State Board of Equalization to adopt regulations to establish procedures and guidelines to access public records, and to study and report to the Legislature by January 1, 2000, concerning the feasibility and cost of indexing its public records.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 6257.5 is added to the
2 Government Code, to read:

3 6257.5. It is the intent of the Legislature in enacting
4 this section to codify the ruling of *State Board of*
5 *Equalization v. Superior Court*, 10 Cal. App. 4th 1177, and
6 thereby to ensure its application to all agencies subject to
7 this chapter. The following is declaratory of existing case
8 law and shall apply with regard to the release of records
9 pursuant to this chapter:

10 (a) The size or magnitude of a request for documents
11 under this chapter may not by itself be used as a
12 justification to deny the request if the request reasonably
13 describes identifiable records. A request reasonably
14 describes identifiable records if the records can be
15 located with reasonable effort.

16 (b) This chapter does not allow limitations on access to
17 a public record based upon the purpose for which the
18 record is being requested.

19 SEC. 2. Chapter 3 (commencing with Section 15650)
20 is added to Part 9 of Division 3 of Title 2 of the
21 Government Code, to read:

22

23 CHAPTER 3. ACCESS TO PUBLIC RECORDS

24

25 15650. For purposes of this chapter, “public record”
26 means any public record as defined in subdivision (d) of
27 Section 6252.



1 15651. (a) In light of State Board of Equalization v.
2 Superior Court, 10 Cal. App. 4th 1177, in which the Court
3 of Appeal affirmed an order of the superior court that the
4 State Board of Equalization disclose its working law, it is
5 the intent of the Legislature, in enacting this chapter, to
6 establish procedures and mechanisms that facilitate
7 maximum accessibility to the public records maintained
8 by the board.

9 (b) The Legislature finds and declares that greater
10 disclosure and better understanding of tax laws and
11 regulations will encourage increased tax compliance.

12 15652. Pursuant to Section 6253, the State Board of
13 Equalization shall adopt regulations to establish
14 procedures and guidelines to access public records. These
15 regulations shall facilitate maximum public accessibility
16 to the board's public records. These regulations shall
17 specifically identify and describe the types of public
18 records pertaining to the tax and the fee programs
19 maintained by the board.

20 ~~15653. A copy of a disclosable public record shall be~~
21 ~~promptly made open and available to any person making~~
22 ~~a request pursuant to the California Public Records Act~~
23 ~~(Chapter 3.5 (commencing with Section 6250) of~~
24 ~~Division 7 of Title 1).~~

25 ~~15654.~~

26 15653. Notwithstanding Section 7550.5, the State
27 Board of Equalization shall study and report to the
28 Legislature, on or before January 1, 2000, on the feasibility
29 and cost of creating and maintaining a subject matter
30 index of public records pertaining to the tax and fee
31 program administered by the board.